

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

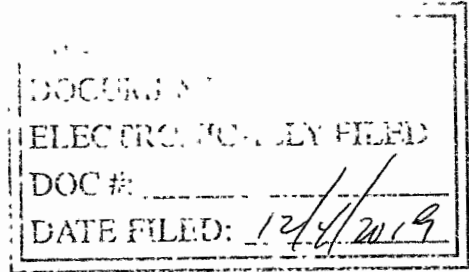
-----X  
JOSE GUAPALUPE,

Plaintiff,

-against-

SUPERINTENDENT, Upstate Correctional  
Facility,

Defendants.  
-----X



17 CIVIL 7832 (VB)

**JUDGMENT**

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated December 4, 2019, Magistrate Judge Paul E. Davison's R&R is adopted as the opinion of the Court, and the petition for a writ of habeas corpus is denied; as petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue; the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Court's order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal; accordingly, this case is closed.

**Dated:** New York, New York  
December 4, 2019

**RUBY J. KRAJICK**

\_\_\_\_\_  
Clerk of Court

BY: \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON 12/4/2019